

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1142 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SUBHASH R PASAWALA

Versus

GENERAL MANAGER (P)

Appearance:

MR MS RAO for Petitioners

None present for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/03/98

ORAL JUDGEMENT

1. Five officers of the Union Bank of India, filed this special civil application before this Court and prayed for quashing and setting aside of the circular dated 13th February, 1986 annexure 'A'. Further prayer has been made that the respondents be restrained from executing or implementing in any manner the circular dated 13th February, 1986 and further to direct the respondents to discontinue the recovery of excess amount

of H.R.A. and C.C.A paid to the petitioners.

2. On 27th March, 1987 this matter has come up for admission before this Court on which date notice has been issued and interim relief has been granted to the effect that the recovery of past H.R.A. and C.C.A. not to be made. This interim relief was ordered to be continued on 14th October, 1988.

3. Learned counsel for the petitioners is in agreement that the officers of the Bank are posted for fixed term at a particular branch and by this time none of the petitioners would have been continued at the concerned branch. This matter pertains to the Chiloda branch of the Bank. Learned counsel for the petitioners has only apprehension that in case this petition is dismissed, the respondents may recover the amount of H.R.A. and C.C.A. which has been paid to the petitioners. The petitioners have been paid the H.R.A. and C.C.A. in pursuance of the Bank's own order dated 19th March, 1983 and in case subsequently earlier decision has been modified or some other decision has been taken, there may not be any justification to order for recovery of that amount paid to the petitioners. It is not the case where the petitioners have snatched away something from the Bank but it is a case where the petitioners have been paid the H.R.A. and C.C.A. as per the Bank's own order dated 19th January, 1983.

4. In view of this fact though now nothing substantially survives in this special civil application at this stage but the respondents are restrained from effecting any recovery of past H.R.A. and C.C.A. from the petitioners for the period during which they were posted at the Chiloda branch of the Bank. The special civil application and Rule stand disposed of accordingly with no order as to costs.

zgs/-